

# Hawaii Gov Takes Dramatic Action To Solve Housing Crisis. But Is He Going Too Far?

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Critics question the decision to suspend laws to streamline the approval process for development.

Hawaii could see construction of 50,000 new homes over the next three to five years for residents of all income levels if an executive order issued Monday by Gov. Josh Green achieves its intended purpose. The order suspends a half dozen state and county laws, primarily focusing on land use, historic preservation and environmental review.

Titled “Emergency Proclamation Relating to Housing,” the measure invokes [a state law](#) giving the governor broad power to suspend laws that impede a response to emergencies such as natural disasters or the coronavirus pandemic.

In this case, the emergency is a shortage of housing and the response is to lower regulatory barriers to building homes.



Gov. Josh Green signed an emergency declaration on housing that aims to streamline decision-making. (David Croxford/Civil Beat/2023)

It was a drastic response to what the governor has framed as an existential threat to the island state, which has seen an outmigration that averaged 20 people per day last year as residents unable to afford the high cost of living fled to the mainland.

But the plan also drew concern about potential exploitation of land and environmental harms with the suspension of many regulations aimed at balancing the need for development with protecting natural and cultural resources.

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Gov. Josh Green

The proclamation catalogs a litany of problems caused by housing prices that are among the nation’s highest and three times the national average. Essential workers like teachers and nurses can’t afford to live here. A decline in the Native Hawaiian population means [more Native Hawaiians live on the mainland](#) than in Hawaii. And, according to the proclamation, there are “one-quarter of our residents at risk of becoming homeless.”

“Let me break it down for you,” Green said at a press conference in his briefing room, where he signed the order. “We don’t have enough houses for our people. It’s really that simple.”

Citing a shortage of first responders, teachers and health care workers needed to serve the community, Green said, “If it’s not a crisis, if it’s not an emergency, I don’t know what is.”

## High Housing Costs

Hawaii’s housing shortage has driven the median cost of a single-family home on Oahu to more than \$1 million. Less than a third of households can afford to buy a single-family home, and less than half can afford to buy a condo, [a recent study by the University of Hawaii Economic Research Organization found](#). The median rental price is unaffordable to a third of households, UHERO reported.

Green said these prices will inevitably go down if more homes become available. Barriers to building those homes, the order says, include “the lengthy and cumbersome planning, zoning and permitting processes, lack of infrastructure, outdated development plans, the high cost of land and building materials, and the need for new and affordable financing sources for both developers and buyers.”

Nani Medeiros, Hawaii’s chief housing officer, will serve as the state’s chief regulatory gatekeeper overseeing housing development, under an executive order suspending a half dozen laws relating mainly to land use and environmental protections. (David Croxford/Civil Beat/2023)

The proclamation addresses many of these barriers by removing them. The order replaces state and county agencies in charge of administering land use and environmental programs with a lead housing officer and a 22-person panel called the Build Beyond Barriers Working Group. Nani Medeiros, Hawaii’s chief housing officer, will serve as lead housing officer.

Members of the working group include government officials, such as representatives from the state Office of Planning and Sustainable Development, Land Use Commission, island burial councils and county mayors. It also includes non-governmental organizations, such as the Sierra Club and the Land Use Research Foundation, a lobbying group for developers.

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Wayne Tanaka, Sierra Club of Hawaii director

The laws suspended include provisions related to historic preservation, county zoning and the state Land Use Commission, which functions as a state-level zoning authority. The order also suspends Hawaii’s environmental review law, which requires in-depth environmental impact statements for projects determined to have a significant impact on natural and cultural resources.

The fast-tracked environmental review process will largely be conducted by the working group and housing officer. While Green promised the group and officer will work transparently, the working group will not be subject to [Hawaii's Sunshine Law](#), which among things requires decision-making agencies to hold their meetings in public.

## Environmental Group Opposes Order

Legal provisions suspended by the order are not completely gutted. Instead, the order creates new administrative rules governing subjects like environmental reviews and the protection of Native Hawaiian burial remains uncovered during construction. The problem for critics is that they say the new rules are not adequate.

For example, although the Sierra Club is a member of the working group, the director of the Sierra Club of Hawaii, Wayne Tanaka, said the organization does not support Green’s order.

“Overall, it places in the hands of a very select few the power to suspend a range of protections, not just for the environment,” Tanaka said in an interview. He cited the lack of Sunshine Law protections as well as provisions relating to government funding and procurement.

Tanaka also questioned whether one housing officer will be able to monitor 50,000 new homes to make sure they are in compliance with rules governing occupancy. He said Green’s policies are unproven and have been “rejected by the Legislature.”

“It just doesn’t pass the sniff test,” Tanaka said.

Asked to respond to such critics who viewed the emergency proclamation as alarming, Green said, “It is alarming. The alarm is we can’t find housing for our children. That is the actual alarm.”

Among other things, the measure alters Oahu’s zoning laws to allow downtown office buildings to be converted into residences. It also removes the need for city or county council approval for projects

developed under the state's 201H statute, which is meant to fast-track the development of affordable housing by removing numerous land use restrictions.

Green said the order would be in place one year, and he did not foresee needing to extend it. Projects approved under the order would have up to three years from the time of approval to begin construction, Medeiros said.

Hawaii Sen. Stanley Chang, a longtime housing advocate who serves as the chairman of the Senate Housing Committee, said the emergency proclamation would be the legacy of Green and his administration.

Chang said that the rate of people moving from Hawaii, which is 14,500 a year, is alarming enough to constitute an emergency.

"That means one local person is leaving every 36 minutes on Hawaii," Chang said. "And if that were going to be caused by an earthquake or a tsunami or a flood or a hurricane, there would be no doubt in anyone's mind in this room that that would be an emergency. And time would stop for state government until we had solved that problem."



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